

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN B. JENKINS, )  
Petitioner, ) Civil Action No. 06-1101  
v. ) Judge Conti  
PAUL J. STOWITZKY, ) Magistrate Judge Caiazza  
*et al.*, )  
Respondents. )

**MEMORANDUM ORDER**

John B. Jenkins' Petition for Writ of Habeas Corpus was filed on August 21, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on April 26, 2007, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Jenkins be dismissed and that a certificate of probable cause be denied. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to SRCF Mercer, where he is incarcerated. Objections were due on or before May 14, 2007. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following

order is entered:

AND NOW, this 18<sup>th</sup> day of May, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by John B. Jenkins is dismissed, and a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza (Doc. 10) is adopted as the opinion of the court.

s/Joy F. Conti  
Joy F. Conti  
United States District Judge

CC:

JOHN B. JENKINS  
CS-7487  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137